

# CHALKER FLORES, LLP

---

## INTELLECTUAL PROPERTY LAW

### Fax

DATE: April 17, 2003

TO	Box / Fax No.	RE:
US Patent and Trademark Office	TC1600 Before Final: 703-872-9308	Serial No. 09/776,202
		Filing Date: 2/2/01
		Inventor: Gamer

FROM	Edwin Flores eflores@chalkerflores.com
DIRECT LINE	214-866-0001
DIRECT FAX	214-866-0010
CLIENT/MATTER NO.	UTSW:1028
TOTAL PAGES (including cover)	19
Customer No.	34,725

**FAX RECEIVED**

APR 18 2003

**GROUP 1600**

If you have any problems with this transmission, please call 214-866-0001.

Is this for Service of Documents?  
Please indicate local time deadline:  
Confirmation Requested:

**OFFICIAL**

### Comments

Attached for filing please find:

- (1) Fee Transmittal - 1 pg.
- (2) PTO Form 2038 - 1 pg.
- (3) Petition for Extension of Time Under 37 CFR 1.136(a) - 1 pg.
- (4) Response to Office Action of 10-23-02 - 5 pgs.
- (5) Declaration Under 37 CFR 1.131 of Prior Invention ... - 10 pgs.

Thank you,

Edwin Flores, Reg. No. 38,453

**Confidentiality Note:** The documents accompanying this facsimile contain information from Edwin Flores, which is confidential. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile is strictly prohibited, and that the documents should be returned to Edwin Flores immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original document to us at no cost to you.

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0851-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2003</h3> <p style="font-size: small; margin: 5px 0;">Effective 01/01/2003. Patent fees are subject to annual revision.</p> <p><input checked="" type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27</p>	<p style="text-align: center; font-weight: bold; font-size: small;">Completes if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>09/776,202</td></tr> <tr><td>Filing Date</td><td>2/2/01</td></tr> <tr><td>First Named Inventor</td><td>Gamer</td></tr> <tr><td>Examiner Name</td><td>Foman, Betty J.</td></tr> <tr><td>Art Unit</td><td>1634</td></tr> <tr><td>Attorney Docket No.</td><td>UTSW:1028</td></tr> </table>	Application Number	09/776,202	Filing Date	2/2/01	First Named Inventor	Gamer	Examiner Name	Foman, Betty J.	Art Unit	1634	Attorney Docket No.	UTSW:1028
Application Number	09/776,202												
Filing Date	2/2/01												
First Named Inventor	Gamer												
Examiner Name	Foman, Betty J.												
Art Unit	1634												
Attorney Docket No.	UTSW:1028												
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) <div style="text-align: right; font-weight: bold;">465.00</div>													

<p><b>METHOD OF PAYMENT (check all that apply)</b></p> <p> <input type="checkbox"/> Check           <input checked="" type="checkbox"/> Credit card           <input type="checkbox"/> Money Order           <input type="checkbox"/> Other           <input type="checkbox"/> None       </p> <p><input type="checkbox"/> Deposit Account</p> <p>Deposit Account Number: _____</p> <p>Deposit Account Name: _____</p> <p><b>The Commissioner is authorized to: (check all that apply)</b></p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below           <input type="checkbox"/> Credit any overpayments  <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application  <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.       </p> <p style="text-align: center; font-weight: bold; font-size: small;">FEE CALCULATION</p> <p><b>1. BASIC FILING FEE</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <p style="text-align: right; font-weight: bold;">SUBTOTAL (1) (\$)</p> <p><b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b></p> <p>         Total Claims Independent Claims: <span style="border: 1px solid black; padding: 0 10px;">20</span> - 20** = <span style="border: 1px solid black; padding: 0 10px;">0</span> X <span style="border: 1px solid black; padding: 0 10px;">9</span> = <span style="border: 1px solid black; padding: 0 10px;">0</span>          Multiple Dependent: <span style="border: 1px solid black; padding: 0 10px;">3</span> - 3** = <span style="border: 1px solid black; padding: 0 10px;">0</span> X <span style="border: 1px solid black; padding: 0 10px;">42</span> = <span style="border: 1px solid black; padding: 0 10px;">0</span> </p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <p style="text-align: right; font-weight: bold;">SUBTOTAL (2) (\$)</p> <p style="font-size: x-small;">** or number previously paid, if greater; For Reissues, see above</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	**Reissue independent claims over original patent		1205	18	2205	9	**Reissue claims in excess of 20 and over original patent		<p style="text-align: center; font-weight: bold; font-size: small;">FEE CALCULATION (continued)</p> <p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>206</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td>\$465</td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to Institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> <p>Other fee (specify): _____</p> <p style="text-align: right; font-weight: bold;">SUBTOTAL (3) (\$)</p> <p style="text-align: right; font-weight: bold;">465.00</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	206	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month	\$465	1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to Institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
Large Entity		Small Entity		Fee Description			Fee Paid																																																																																																																																																																																																																																																												
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																																
1001	750	2001	375	Utility filing fee																																																																																																																																																																																																																																																															
1002	330	2002	165	Design filing fee																																																																																																																																																																																																																																																															
1003	520	2003	260	Plant filing fee																																																																																																																																																																																																																																																															
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																																																																																															
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																																																																																															
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																																
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																																																																																															
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																																																																																															
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																																																																																															
1204	84	2204	42	**Reissue independent claims over original patent																																																																																																																																																																																																																																																															
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																															
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																														
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																																
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																																																															
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																																															
1053	130	1053	130	Non-English specification																																																																																																																																																																																																																																																															
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																																																																																															
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																															
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																															
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																																																																															
1252	410	2252	206	Extension for reply within second month																																																																																																																																																																																																																																																															
1253	930	2253	465	Extension for reply within third month	\$465																																																																																																																																																																																																																																																														
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																																																																																															
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																																																																																															
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																																																																																															
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																																																																																															
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																																																																															
1451	1,510	1451	1,510	Petition to Institute a public use proceeding																																																																																																																																																																																																																																																															
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																															
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																																																																																															
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																																																																																															
1502	470	2502	235	Design issue fee																																																																																																																																																																																																																																																															
1503	630	2503	315	Plant issue fee																																																																																																																																																																																																																																																															
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																																																																															
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																																																																																															
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																															
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																															
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																																															
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																																															
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																															
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																															

SUBMITTED BY		Completes (if applicable)	
Name (Print/Type)	Edwin Flores	Registration No. (Attorney/Agent)	38,453
Signature		Telephone	(214) 866-0001
		Date	4/17/03

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO-2038 (02-2000)

Approved for use through 01/31/2003. OMB 0651-0043

United States Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

**United States Patent & Trademark Office****Credit Card Payment Form****Please Read Instructions before Completing this Form****Credit Card Information****Credit Card Type:** Visa Master Card American Express Discover**Credit Card Account #:** 4266 8510 1154 8135**Credit Card Expiration Date:** 07/05**Name as it Appears on Credit Card:** Edwin S. Flores**Payment Amount: \$(US Dollars):** \$465.00**Signature:** Edwin S. Flores **Date:** 4/17/03

**Refund Policy:** The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.

**Service Charge:** There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).

**Credit Card Billing Address****Street Address 1:** 3305 Townsend**Street Address 2:****City:** Dallas**State:** TX**Zip/Postal Code:** 75229**Country:** USA**Daytime Phone #:** (214) 866-0001 / 214 358 9894**Fax #:** (214) 866-0010**Request and Payment Information****Description of Request and Payment Information:**3 month extension of time


Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/776,202	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. UTSW:1028		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

Appl. No.: 09/776,202  
Response dated April 17, 2003  
Office Action Oct. 23, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/776,202  
Applicant : Harold R. Garner  
Filed : February 2, 2001  
Title : DIGITAL OPTICAL CHEMISTRY MICROMIRROR IMAGER  
  
Group Art Unit : 1634  
Examiner : Forman, Betty J.  
  
Docket No. : UTSW:1028

<p align="center"><b>Certificate of Facsimile Transmission 37 CFR 1.8</b></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 17, 2003 to TC 1600 for the Fax Center at (703)-872-9306.</p> <p align="center"></p> <p>Signature _____</p> <p>Edwin S. Flores _____</p> <p>Typed or printed name of person signing certificate _____</p>
---

Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO OFFICE ACTION**

Sir:

Please find below a Response to Office Action in response to the Non-Final Office Action mailed October 23, 2002. Enclosed please find a three-month extension of time, which brings the time for reply to April 23, 2003.

**Remarks** begin on page 2 of this paper.